

Translation

PATENT COOPERATION TREATY

PCT/FR2003/001980



PCT

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference JSL/BR 60750	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001980	International filing date (day/month/year) 26 juin 2003 (26.06.2003)	Priority date (day/month/year) 19 juillet 2002 (19.07.2002)
International Patent Classification (IPC) or national classification and IPC B60J 7/20		
Applicant FRANCE DESIGN		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 02 février 2004 (02.02.2004)	Date of completion of this report 17 May 2004 (17.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-12, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-10, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. _____, filed with the letter of _____,
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/4-4/4, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement .

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

- D1: DE 195 42 906 C (BAYERISCHE MOTOREN WERKE AG) 14 November 1996 (1996-11-14)
- D2: DE 198 34 850 A (DAIMLER CHRYSLER AG) 10 February 2000 (2000-02-10)
- D3: EP-A-0 860 312 (BAYERISCHE MOTOREN WERKE AG) 26 August 1998 (1998-08-26)

D4 was not cited in the international search report. A copy of said document is attached.

D4: DE 43 30 411

V.2.1 Independent claim 1

V.2.1.1 Novelty

D2, which is considered to be the prior art closest to the subject matter of claim 1, describes

- a protective device with a panel forming the vertical limit between a region of the boot for receiving the roof and a second region for receiving

objects.

The subject matter of claim 1 differs from this known protective device in that:

- the panel interacts with a first sensor, thereby enabling the roof to be folded, and with a second sensor, thereby enabling the boot to be closed.

Consequently, the present application appears to satisfy the requirement of PCT Article 33(2), since the subject matter of claim 1 is novel over the prior art as defined in the Regulations (PCT Rule 64(1) to (3)).

V.2.1.2 Inventive step

The problem that the present invention is intended to solve can be considered to be that of enabling the objects placed in the boot of a vehicle with a folding roof to be protected during automatic closure of the boot.

D2 is considered to be the prior art closest to the subject matter of claim 1.

D4 describes a single sensor (Kontaktschalter 8) to prevent damage to the roof.

However, to prevent damage to the objects placed in the boot, a person skilled in the art would not fit the panel of D2 with a second sensor without an inventive step being involved.

Consequently, the solution proposed in claim 1 of the present application appears to satisfy the requirement of PCT Article 33(3).

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V.2.1.3 Dependent claims 2 to 10

Since claims 2 to 10 are dependent on claim 1 and contain alterations or improvements to the invention according to claim 1, they appear to meet the requirements of PCT Article 33(2) to (4).